

eeplaw.com
80 Pine Street, 38th Floor
New York, New York 10005
T. 212.532.1116 F. 212.532.1176



New Jersey Office
576 Main Street, Suite C
Chatham, New Jersey 07928

JOHN ELEFTERAKIS*
NICHOLAS ELEFTERAKIS
RAYMOND PANEK

OLIVER R. TOBIAS
JEFFREY B. BROMFELD
JORDAN JODRÉ*
FAIZAN GHAZNAVI
GABRIEL P. HARVIS
BAREE N. FETT

KRISTEN PERRY – CONIGLIARO
AIKA DANAYEVA
ARIANA ELEFTERAKIS
MICHAEL INDELICATO
STEPHEN KAHN
EVAN M. LA PENNA
DOMINICK MINGIONE
JOSEPH PERRY
MARIE LOUISE PRIOLO *
KEYONTE SUTHERLAND

*Also Admitted In New Jersey

May 31, 2019

BY ECF

Honorable LaShann DeArcy Hall
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11211

Re: *Cortes v. City of New York, et al.*, 14 CV 3014 (LDH) (RML)

Your Honor:

I represent plaintiff in the above-referenced civil rights action. I write pursuant to the Court's order dated April 24, 2019 to respectfully provide additional exhibits plaintiff seeks to include in the Joint Pre-Trial Order ("JPTO") with respect to expert witnesses.

If it should please the Court, the April 24th order requires the parties to submit any proposed changes to the JPTO by today. Since defendants prepared and filed the previous version of the JPTO (*see* DE #87-1) and thus had the final "Word" version of the document, plaintiff e-mailed the three assigned defense attorneys with the below list of new exhibits this afternoon.¹ Plaintiff requested that defendants insert the new exhibits into the existing JPTO and send plaintiff's counsel a proposed, revised final draft for review before filing. *Id.* However, as of this writing, defendants have not responded to plaintiff's e-mail.

Accordingly, plaintiff respectfully requests that the JPTO be amended to add the following exhibits related to plaintiff's expert witness testimony:

¹ See E-mail, annexed hereto as Exhibit 1. Plaintiff also attempted to reach defense counsel Elissa Jacobs, Esq. by telephone.

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Exh. #

25. Supplemental Expert Report of Dr. Drew Stein dated March 7, 2019;
26. Intraoperative Photos from Plaintiff's Surgery on January 22, 2015 (P387-422);
27. Updated medical records concerning treatment of plaintiff's shoulder by Dr. Capiola;
28. Expert Report of Dr. Herbert Sherry in the case of Marvin Simon;
29. Expert Report of Dr. Herbert Sherry in the case of Celeste Gill;
30. Expert Report of Dr. Herbert Sherry in the case of Somara Suarez;
31. Expert Report of Dr. Herbert Sherry in the case of Sam Futersak;
32. Expert Report of Dr. Herbert Sherry in the case of Manuel Emilio Gomez;
33. Expert Report of Dr. Herbert Sherry in the case of Rigoberto Hernandez;
34. Verdict Search of Dr. Herbert Sherry;
35. Testimony of Dr. Herbert Sherry in the case of *Marcinak v. Technical Mechanical Services, Inc.*;
36. Testimony of Dr. Herbert Sherry in the case of *Spatola v. One Bryant Park, LLC*;
37. Testimony of Dr. Herbert Sherry in the case of *Tavares v. Mabstoa*;
38. Testimony of Dr. Herbert Sherry in the case of *Bolduc v. Sheth*;
39. Testimony of Dr. Herbert Sherry in the case of *Dichter v. Winadu*;
40. Testimony of Dr. Herbert Sherry in the case of *Muir v. 119 Meat & Produce, Inc.*;
41. Testimony of Dr. Herbert Sherry in the case of *Baez v. Silver*;
42. Testimony of Dr. Herbert Sherry in the case of *Bonds v. N.Y.C. Housing Authority*;
43. Testimony of Dr. Herbert Sherry in the case of *Breen v. 25 Broadway Office Properties, LLC*;
44. Testimony of Dr. Herbert Sherry in the case of *Estevez v. USA*;
45. Testimony of Dr. Herbert Sherry in the case of *Keaney v. NYC Board of Ed.*;
46. Affirmation of Dr. Herbert Sherry in the case of *Salandy v. Bryk*;
47. Testimony of Dr. Herbert Sherry in the case of *Thorner v. Nenno*;
48. Testimony of Dr. Herbert Sherry in the case of *Allen v. AWL*;
49. Testimony of Dr. Herbert Sherry in the case of *Jackson v. Health Insurance Plan of Greater New York*;
50. Testimony of Dr. Herbert Sherry in the case of *Walsh v. City of New York*;
51. Testimony of Dr. Herbert Sherry in the case of *Tookes v. Port Authority*;

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- 52. Testimony of Dr. Herbert Sherry in the case of Jiang; and
- 53. Other sworn testimony/trial transcripts of Dr. Herbert Sherry.

Thank you for your consideration of this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'G. Harvis', written over the printed name.

Gabriel P. Harvis

cc: All Counsel